

**Congress of the United States**  
**Washington, DC 20515**

July 18, 2023

The Honorable Antony Blinken  
Secretary  
Department of State  
2201 C Street, NW  
Washington, D.C. 20520

Dear Secretary Blinken,

We write to express our serious concerns regarding the January 11, 2023 arrest of five community leaders from northern El Salvador who were among the Water Defenders who led the successful effort to pass a historic law prohibiting metals mining in El Salvador in 2017. There are strong indications that the current Salvadoran government intends to repeal that law and we are concerned these arrests are politically motivated and intended to silence the overwhelming opposition to mining in the country. We also have concerns that these men have been denied their basic right to due process. Therefore, we strongly urge you to send a clear, public message calling for their release from pre-trial detention and for the charges against the accused to be dismissed.

The five men in question are Miguel Ángel Gámez, Alejandro Laínez García, Pedro Antonio Rivas Laínez, Antonio Pacheco, and Saúl Agustín Rivas Ortega. The five Water Defenders have been charged with crimes that allegedly took place 33 years ago during the Salvadoran civil war. Two of the five are leaders of the Association of Economic and Social Development of Santa Marta (ADES-Santa Marta) in northern El Salvador, which has collaborated with communities in the United States to build water systems, spread organic agriculture, and address violence in their communities. Their efforts to protect the watersheds of El Salvador won their nationwide coalition the prestigious Institute for Policy Studies Letelier-Moffitt Human Rights award in 2009.

In recent years, the Salvadoran government has taken several steps that indicate a desire to repeal the landmark 2017 metals mining ban. The five Water Defenders began to speak out against these steps last year, and in January 2023, were suddenly arrested and charged with a decades-old alleged crime. The Salvadoran Attorney General's Office requested and obtained complete secrecy for the proceedings. However, information from the prosecution's statements in the days immediately following the arrests indicates there is likely very little evidence to connect the Water Defenders to the alleged crimes.

We also have significant concerns regarding the Salvadoran Attorney General's handling of their case. On March 9, the five were transferred to a permanent prison in Ilopango where they have been denied access to any outside visitors, including their family members and their lawyer, thus denying them their basic right to due process. It is also highly concerning that the five Water

Defenders remain in pre-trial detention at the request of the prosecution, especially considering the inhumane conditions in the Salvadoran prison system that the United Nations and others have documented.<sup>1</sup> Considering the advanced age and health conditions of several of the accused, we believe this use of pre-trial detention is unnecessarily punitive and may jeopardize their safety and well-being.

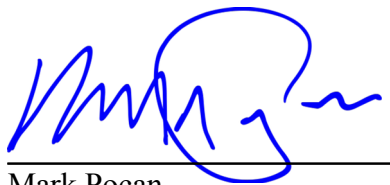
In this regard, we urge you to support efforts by three United Nations Special Rapporteurs as well as the Vice President of the UN Working Group on Arbitrary Detention that have raised “serious concern about the alleged misuse of the criminal law against the human rights defenders.” They further state: “We fear that the case is an attempt to intimidate those who seek to defend the environment in their country, and especially those who defend the human rights of those who are negatively affected by mining.”<sup>2</sup>

The five Water Defenders are all former FMLN combatants during the civil war, the period when the crimes are alleged to have taken place. Numerous international organizations and legal experts have argued that their arrests are in violation of El Salvador’s National Reconciliation Law of 1992, which followed the historic Peace Agreement of 1992, violations of which are a serious concern to the US government.<sup>3</sup>

Given these concerns, we urge you to support international efforts to ensure the safety of the Water Defenders, to echo calls for their release from pre-trial detention, and that the charges against them be dismissed, and to make this position clear to the Salvadoran people.

Thank you for your time, and we look forward to your response.

Sincerely,



Mark Pocan  
Member of Congress



James P. McGovern  
Member of Congress

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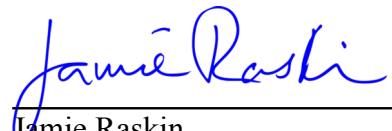
<sup>1</sup> <https://www.ohchr.org/en/press-briefing-notes/2023/03/el-salvador-state-emergency>

<sup>2</sup> <https://srdefenders.org/el-salvador-alegatos-de-supuesta-detencion-arbitraria-contra-cinco-defensores-del-medio-ambiente-comunicacion-conjunta/>

<sup>3</sup> <https://www.apg-gopa.com/statementsletters/ya7ibbo5iwjtou92h08u29zoknrca5>



Raúl M. Grijalva  
Member of Congress



Jamie Raskin  
Member of Congress



Barbara Lee  
Member of Congress



Pramila Jayapal  
Member of Congress



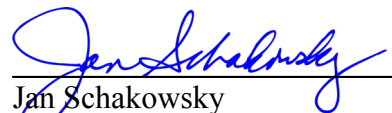
Rashida Tlaib  
Member of Congress



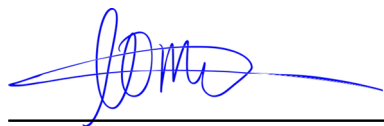
Henry C. "Hank" Johnson, Jr.  
Member of Congress



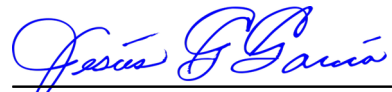
Eleanor Holmes Norton  
Member of Congress



Jan Schakowsky  
Member of Congress



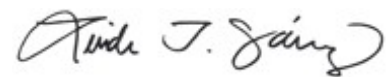
Ilhan Omar  
Member of Congress



Jesús G. "Chuy" García  
Member of Congress



Cori Bush  
Member of Congress

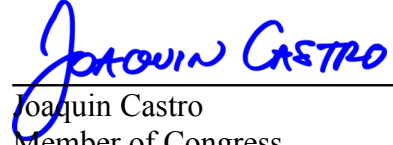


Linda T. Sánchez  
Member of Congress



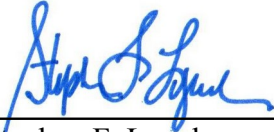
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Jared Huffman  
Member of Congress



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Joaquin Castro  
Member of Congress



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Stephen F. Lynch  
Member of Congress